

# EXHIBIT 1

Excerpts from Deposition of  
Plaintiff Paula Smith

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY  
VIDEOTAPED DEPOSITION OF PAULA SMITH on 03/07/2017

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY  
LITIGATION

MDL No. 1:13-md-2419

Judge Rya W. Zobel

This Document Relates to:

All cases concerning  
Specialty Surgery Center,  
Kenneth R. Lister, M.D.,  
and Kenneth Lister, M.D.,  
P.C.

VIDEOTAPED DEPOSITION OF PAULA SMITH

March 7, 2017

Taken on Behalf of the Defendants

Reported by Marilyn Morgan, LCR #235, CCR #174

1 Q. And does he have any kids of his own?

2 A. Three.

3 Q. What about the other girls, two girls,  
4 did they have knowledge of what was going on?

5 A. Yes.

6 Q. Anything other than the fact that you  
7 were really sick?

8 A. No. They weren't there.

9 Q. Okay. Do you remember any other  
10 Facebook handles or email addresses that you might  
11 have used over time with your Facebook accounts?

12 A. Another email address. I had to change  
13 it.

14 Q. Okay. What was the old one?

15 A. Paulasmith44@hotmail.com.

16 Q. And why did you have to change that?

17 A. Because my Hotmail address went haywire.  
18 So I deleted it and just got a new one.

19 Q. I understand. Do you have any relatives  
20 in the Cookeville or Crossville area?

21 A. No.

22 Q. So you guys with your husband's job just  
23 moved down here kind of blind?

24 A. Yeah.

25 Q. Okay. It's going to sound like a silly

1 question, but do you have any relatives in Boston?

2 A. No.

3 Q. When did your Hotmail account go  
4 haywire? Do you remember?

5 A. It's only been maybe two months. It  
6 hasn't been very long.

7 Q. Okay. When you lived in Crossville,  
8 particularly in the last, let's say, three or four  
9 years, who were the friends that you spent more  
10 time with?

11 A. John and Kathy Smith; Barry and Kathy  
12 Dayton; and Travis and Becky Smith, no kin; Cindy  
13 Bolin. That was basically our little group.

14 Q. Okay.

15 A. Dwayne Galey was a good friend.

16 Q. I just want to go through each of those.  
17 How did you know Dwayne Galey?

18 A. He was Jim's boss and a long-time  
19 friend.

20 Q. And worked at Crossville Ceramics?

21 A. Yes.

22 Q. How did you know Cindy Bolin?

23 A. She worked there also. She worked for  
24 Jim.

25 Q. What about Travis and Becky Smith?

1 A. Yes.

2 Q. Did you have any lumbar punctures?

3 A. No. I don't think so.

4 Q. Did you have any procedure where they  
5 went in with a needle and pulled any fluid off?

6 A. No, no.

7 Q. Did you have a biopsy of any kind?

8 A. No. Dr. Jestus -- I went to him. They  
9 thought about doing one. But he didn't recommend  
10 it because -- they just didn't recommend it.

11 Q. Okay.

12 A. They kind of knew what it was.

13 Q. To your knowledge, did anybody ever take  
14 a sample of material from your body and send it off  
15 for testing of any kind?

16 A. At that time, you mean?

17 Q. Well, good point. When you -- after the  
18 injection of August 28th --

19 A. Yes.

20 Q. -- up until July of 2013 -

21 A. Yes.

22 Q. -- did anybody ever take a sample of any  
23 bodily material related to your back?

24 A. No.

25 Q. And send it off?

1 A. No.

2 Q. Okay. On your answer to question 30 up  
3 here, also we're going back a little bit --

4 A. Okay.

5 Q. -- one of the issues that you addressed  
6 was fatigue?

7 A. Yes.

8 Q. Okay. Can you tell me the nature of the  
9 fatigue you're talking about here?

10 A. I just had no energy to do anything.

11 Q. Had you ever had a similar problem like  
12 that before?

13 A. No.

14 Q. Did it get back to normal after that  
15 year period?

16 A. Yes.

17 Q. Did any doctor ever tell you that it was  
18 associated with any of the medication you had?

19 A. I don't know.

20 Q. Were you on Medicare -- receiving  
21 Medicare benefits when you got this?

22 A. No.

23 Q. Were you on your husband's insurance,  
24 Blue Cross-Blue Shield?

25 A. Yes.

1 A. No.

2 Q. These are things lawyers do sometimes,  
3 but I was just going to ask you a couple of things  
4 about that.

5 Have you talked to anybody that you  
6 believe is trying to determine if you are entitled  
7 to compensation from the bankruptcy tort trust  
8 other than your lawyers?

9 A. No.

10 Q. To your knowledge, have you received any  
11 benefits from the bankruptcy tort trust?

12 A. No.

13 Q. Have you been interviewed by any member  
14 of the federal government?

15 A. No.

16 Q. I asked you earlier about whether you  
17 got any emails from Dr. Lister or Specialty  
18 Surgery. Let me go really broad. Do you ever  
19 remember getting emails from anybody about the  
20 injection or the meningitis issues or your  
21 problems?

22 A. No.

23 Q. Okay. You told me that your Hotmail --  
24 I think it was a Hotmail account -- glitched, and  
25 you had to delete it?

1 A. Right.

2 Q. Did you do any type of search on that  
3 account before you deleted it to see if there were  
4 any documents about the meningitis outbreak or your  
5 condition?

6 A. Yes.

7 Q. You did? Did you find any?

8 A. The CDC.

9 Q. You searched for the CDC --

10 A. I just kept up with that to see, you  
11 know, what was going on with it --

12 Q. Okay.

13 A. -- after it came out.

14 Q. Okay. I'm not sure we're talking -- let  
15 me make sure.

16 A. Okay. We may not be talking about the  
17 same thing.

18 Q. Okay. I'm not tech savvy. I don't do  
19 Facebook even.

20 A. Okay.

21 Q. You may have done some computer  
22 research. I understand that.

23 A. Yes, I Googled.

24 Q. You Googled the CDC.

25 A. I have Googled it. Okay.



1 Q. But did you do a search in your Hotmail  
2 email account?

3 A. Oh, no.

4 Q. Okay. So you didn't type a search term  
5 in and said, See if I've ever gotten an email about  
6 meningitis?

7 A. No.

8 Q. Other than anything that your attorneys  
9 may have told you -- I don't want to know that --  
10 have you been told anything about what to expect  
11 from the tort trust?

12 A. No.

13 Q. In terms of your out-of-pocket expenses,  
14 things that cost you, I understand you've got the  
15 medical expenses?

16 A. Yes.

17 Q. Is there anything else that you believe  
18 is an out-of-pocket expense, something you've had  
19 to pay for, that is associated with the injection  
20 that you received from Dr. Lister?

21 A. Other than the medication and the  
22 medical?

23 Q. Right. Medical expenses, we've got  
24 those records.

25 A. Right. Okay.


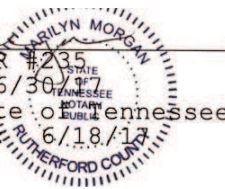
## 1 CERTIFICATE OF COURT REPORTER

2 I, Marilyn Morgan, Licensed Court  
3 Reporter and Notary Public for the State of  
4 Tennessee, do certify that the above deposition was  
5 reported by me and that the foregoing transcript is  
6 a true and accurate record to the best of my  
7 knowledge, skills, and ability.

8 I further certify that I am not an  
9 employee of counsel or any of the parties, nor a  
10 relative or employee of any attorney or counsel  
11 connected with the action, nor financially  
12 interested in the action.

13 I further certify that I am duly licensed  
14 by the Tennessee Board of Court Reporting as a  
15 Licensed Court Reporter as evidenced by the LCR  
16 number and expiration date following my name below.

17 Subscribed and sworn to before me when  
18 taken, this 7th day of March, 2017.

19   
20 MARILYN MORGAN, LCR #235  
21 Expiration Date: 6/30/17  
22 Notary Public, State of Tennessee  
23 Commission expires 6/18/17  
24 

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23 Expiration Date: 6/30/17

24 Notary Public, State of Tennessee

25 Commission expires: 6/18/17